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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,678	09/25/2003	Keith A. Thuerk	BOC9-2003-0004 (373)	7522
40987	7590	02/10/2009	EXAMINER	
AKERMAN SENTERFITT			PAULS, JOHN A	
P. O. BOX 3188			ART UNIT	
WEST PALM BEACH, FL 33402-3188			PAPER NUMBER	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/670,678	<b>Applicant(s)</b> THUERK, KEITH A.	
	<b>Examiner</b> JOHN A. PAULS	<b>Art Unit</b> 4114	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____.                                     |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>26 March, 2004</u> .  | 6) <input type="checkbox"/> Other: _____.                         |

**DETAILED ACTION**

**Status of Claims**

1. This action is in reply to the application filed on 25 September, 2003
2. Claims 1 - 22 are currently pending and have been examined.

**Information Disclosure Statement**

3. The Information Disclosure Statement filed on 26 March 2004 has been considered. An initialed copy of the Form 1449 is enclosed herewith.
4. **Examiner's Note:** The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:
  1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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7. Claims 1 – 4, 6 – 9, 15 – 17 and 19 - 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. (US 5,664,109 A) and in further view of Parikh et al. (US 5,801,697 A).

**CLAIMS 1, 6, 15, and 19**

Johnson as shown discloses the following limitations:

- *receiving confidential information*; (see at least Johnson column 2 line 14 - 26; Examiner notes that medical information must be maintained in a confidential manner in accordance with the Health Insurance Portability and Accountability Act of 1996 and is therefore “confidential information”. See Applicant’s own admission, Description of the Related Art, page 1).
- *displaying at least a portion of the confidential information at the private display*; (see at least Johnson column 15 line 6 - 15);

Examiner notes that Johnson discloses a system that will only display medical records to “authorized providers and subscribers” who would view this information on “private displays” as defined by the specification in the present application. (see at least Johnson column 2 line 14 - 26).

Johnson as shown discloses the limitations shown above. Johnson does not specifically disclose the following limitations, but Parikh does:

- *providing at least one private display*; (see at least Column 1, Parikh lines 44-50) ).
- *providing at least one publicly accessible display*; (see at least Parikh column 1 line 48 - 50);
- *displaying at least a portion of the confidential information at the publicly accessible display*; (see at least Parikh column 1 line 53 - 63);
- *for an amount of time determined by an occurrence of an event*; (see at least Parikh column 3 line 37 – 38; Examiner notes that Parikh discloses that user decisions are followed by a response and that these actions necessarily involve an amount of time).
- *wherein said event includes at least one of:*
  - *an expiration of a time period*;
  - *a user request*; (see at least Parikh column 3 line 35 - 40).

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It would be obvious to one of ordinary skill in the art at the time of the invention to modify the medical record system of Johnson with the display control provisions of Parikh because providing options for a user to secure the public display of confidential information allows the information to remain confidential as required by federal regulations.

**CLAIMS 2, 3, 7, 8, 16 and 20**

Johnson as shown discloses the limitations shown above. Johnson also discloses the following limitations:

- *sending a notification signal*; (see at least Johnson column 3 line 11 - 17);
- *notification signal is sent to a health care professional*; (see at least Johnson column 3 line 11 - 17).

**CLAIMS 4, 9, 17 and 21**

Johnson as shown discloses the limitations shown above. Johnson also discloses the following limitations:

- *the step of storing at least a portion of the confidential information*; (see at least Johnson column 15 line 6 - 15).

8. Claims 5, 10, 18 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. (US 5664109 A) and in further view of Parikh et al. (US 5801697 A) and in further view of Official Notice.

**CLAIMS 5, 10, 18 and 22**

The combination of Johnson/Parikh as shown discloses the limitations shown above. Johnson does not specifically disclose the following limitations, but Parikh does:

- *concealing at least a portion of the confidential information at the publicly accessible display based on at least one of:*
  - *a user request*; (see at least Parikh column 3 line 35 - 40).

It would be obvious to one of ordinary skill in the art at the time of the invention to modify the medical record system of Johnson with the display control provisions of Parikh because providing options for a

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user to secure the public display of confidential information allows the information to remain confidential as required by federal regulations.

With regard to the limitation of *concealing at least a portion of the confidential information at the publicly accessible display based on at least one of: an expiration of a time period*; Examiner takes **Official Notice** that it is old and well known in the computer arts that information displayed on a computer display can be hidden or concealed based on a time-out condition (i.e. screen saver) or based on a user action. Therefore, information that was displayed on a computer display prior to the time-out or user action would be hidden or concealed after the time-out or user action.

It would be obvious to one of ordinary skill in the art at the time of the invention to modify the medical display system of Johnson/Parikh with the Official Notice because concealing confidential information based on a time-out condition or a user action allows users to control the display of information that they want hidden and prevent unauthorized access.

9. Claims 11 - 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sun et al. (US PG PUB 2002/0022973 A1) and in further view of Parikh et al. (US 5801697 A).

#### **CLAIM 11**

Sun as shown discloses the following limitations:

- *an input system for receiving confidential information*; (see at least Sun paragraph 0013 and 0014);
- *a first display communicably coupled to said input system for displaying at least a portion of the confidential information to a patient*; (see at least Sun paragraph 0078 and Claim 4);
- *a second display communicably coupled to said input system for displaying at least a portion of the confidential information*; (see at least Sun paragraph 0078 and Claim 4).

Examiner notes that medical information must be maintained in a confidential manner in accordance with the Health Insurance Portability and Accountability Act of 1996 and is therefore “confidential information”.

See Applicant’s own admission, Description of the Related Art, page 1

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Sun as shown discloses the limitations shown above. Sun does not specifically disclose the following limitations, but Parikh does:

- *first display is configured to conceal at least a portion of the confidential information; (see at least Parikh column 3 line 35 - 40).*

It would be obvious to one of ordinary skill in the art at the time of the invention to modify the medical record system of Sun with the display control provisions of Parikh because providing options for a user to secure the public display of confidential information allows the information to remain confidential as required by federal regulations.

#### **CLAIM 12**

Sun/Parikh discloses the limitations shown above. Sun also discloses the following limitations:

- *input system includes at least one input device; (see at least Sun paragraph 0027);*

#### **CLAIM 13**

Sun/Parikh discloses the limitations shown above. Sun also discloses the following limitations:

- *at least one wireless transceiver for at least one of sending and receiving at least a portion of the confidential information; (see at least Sun paragraph 0054);*

**10.** Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sun et al. (US PG PUB 2002/0022973 A1) and in further view of Parikh et al. (US 5801697 A) and in further view of Brown (US 5,897,493 A).

#### **CLAIM 14**

The combination of Sun/Parikh discloses the limitations shown above. In addition, Sun discloses:

- *a housing for supporting said input system and said first display, see at least Sun paragraph 0027).*

The combination of Sun/Parikh as shown discloses the limitations shown above. Sun/Parikh does not specifically disclose the following limitations, but Brown does:

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- *second display is remotely located from said housing; (see at least Brown column 2 line 39 – 67 and Figure 1).*

It would be obvious to one of ordinary skill in the art at the time of the invention to modify the medical record system of Sun/Parikh with the remote display of Brown because providing remote access to patient information allows practitioners to provide higher quality care at less expense.

### CONCLUSION

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **John A. Pauls** whose telephone number is **571-270-5557**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **JAMES A. REAGAN** can be reached at **571.272.6710**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks**

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or faxed to **571-273-8300**.



Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window:**

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Date: 26 January, 2009

/JOHN A. PAULS/

Examiner, Art Unit 4114

/James A. Reagan/

Supervisory Patent Examiner, Art Unit 4114